

Cox

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

2008 APR -1 AM 10:41

UNITED STATES OF AMERICA,

Plaintiff,

v.

Antonio CALDERA-Aguirre
(aka Antonio CALDERA-Aguilar)

Defendant.

) Magistrate Case No.

) '08 MJ 0975

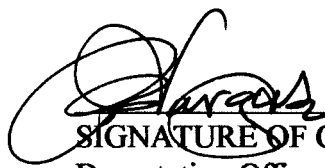
) COMPLAINT FOR VIOLATION OF: *YAH*

) Title 8, U.S.C., Section 1326;
) Deported Alien Found in the
) United States

The undersigned complainant, being duly sworn, states:

On or about, **May 13, 2007**, within the Southern District of California, defendant, **Antonio CALDERA-Aguirre**, an alien, who previously had been excluded, deported and removed from the United States to Mexico, was found in the United States, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT

Deportation Officer

Immigration & Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **1st DAY OF April 2008**.



UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:**NAME: CALDERA-Aguirre, Antonio****PROBABLE CAUSE STATEMENT**

On May 13, 2007, the defendant identified as Antonio CALDERA-Aguirre was arrested in Vista, California by the San Diego Sheriff's Department for violation of 314.1 PC "INDECENT EXPOSURE: ILLEGAL ENTRY OCC DWELL" and booked into George Bailey Detention Facility. On May 13, 2007, an Immigration Enforcement Agent with Immigration and Customs Enforcement determined the defendant to be a citizen of Mexico and placed a Form I-247 "Immigration Detainer" pending his release from local custody. On Monday, March 31, 2008, at approximately 11:00 a.m. the defendant was referred to the custody of the United States Immigration and Customs Enforcement (ICE). A Deportation Officer reviewed various sources of information and conducted official record checks in regards to the defendant confirming him to be a citizen of Mexico having been previously removed from the United States.

A thorough review of official immigration computer database record checks and information contained in the Alien Registration file revealed that the defendant was most recently ordered removed from the United States by an Immigration Judge on or about May 12, 2005 and physically removed to Mexico on or about May 12, 2005 via the San Ysidro Port of Entry. Record checks and statement made by defendant indicate that he has not applied to the Attorney General of the United States or the Secretary of the Department of Homeland Security for permission to re-enter the United States.

The Automated Biometric Fingerprint Identification System "IDENT" and Automated Fingerprint identification System "IAFIS" were utilized and compared the defendant's fingerprints to those contained in these databases. The results confirmed the defendant's identity as Antonio CALDERA-Aguirre, a citizen and national of Mexico. A photograph and a set of fingerprints contained within the official Alien Registration File were also reviewed and compared to the defendant, further confirming his identity.

The defendant was admonished as to his rights per "MIRANDA" in the Spanish language at approximately 12:08 p.m. The defendant acknowledged his rights per "MIRANDA" and elected to answer questions without counsel present. The defendant stated that he is a citizen of Mexico by virtue of birth, was deported or removed from the United States to Mexico and had not obtained a waiver in order to re-enter the United States. The defendant acknowledged that he unlawfully entered the United States on or about May 30, 2005 by jumping the fence near San Ysidro, CA. The defendant acknowledged that he has no legal right to enter or reside in the United States.

Based upon the foregoing information, there is probable cause to believe that Antonio CALDERA-Aguirre has illegally re-entered the United States after Deportation, in violation of Title 8 of the United States Code 1326, Deported Alien Found in the United States.